

which neither drop or shift the channel position of any broadcast station pending the Court's decision on the constitutionality of the must carry requirement, as also requested by the Appellants in this case. The practical effect of such an order would freeze carriage of stations now carried on cable systems, but not require carriage of stations which are not now carried by the cable systems which neither drop or shift the channel position of any broadcast station pending the Court's decision.

4. WGOT-TV currently is not carried by 28 cable systems located in the Boston ADI ("Area of Dominant Influence"), the area in which WGOT-TV may request carriage as a local "must carry" station under Section 614. These systems serve 517,945 subscribers, which represent 24 percent of the television households in the ADI. WGOT-TV is the only one of the 11 commercial stations in the Boston ADI that does not have the benefit of carriage on these cable systems. This is due to the fact that we began operation after the demise of the Federal Communications Commission's must carry rules.

5. I estimate that the lack of carriage on these systems has a negative effect on station revenues of \$750,000.00 annually. This negative effect on station revenue will persist until WGOT-TV is carried on all cable systems on which it may assert must carry status. No way exists for WGOT-TV to recover these revenue losses after they are incurred. Therefore, WGOT-TV will suffer continuing and irrecoverable revenue losses pending the Court's decision if the order requested by Appellants is granted by the Court.

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

NO. _____

TURNER BROADCASTING SYSTEM, INC. et al.

become effective with respect to cable systems which neither drop or shift the channel position of any broadcast station pending the Court's decision on the constitutionality of the must carry requirement, as also requested by the Appellants in this case. The practical effect of such an order would freeze carriage of stations now carried on cable systems, but not require carriage of stations which are not now carried by the cable systems.

4. KTFH-TV has been on the air since June of 1989 and has continually been denied carriage by the area cable systems. The station currently is not carried in 96% of the cabled households located inside the Houston ADI (Area of Dominant Influence), the area in which KTFH-TV may request carriage as a local "must carry" station under Section 614.

KTFH-TV will take the necessary steps to ensure that it is a local station under 614(h)(1) of the Act with respect to the cable systems which are not currently carrying its signal and will assert carriage rights under section 614 with each of these systems. Because of its Spanish language format KTFH-TV is registered as a "specialty station" with the Copyright Royalty Tribunal copyright office and therefore will not subject cable systems located within the Houston ADI to increased copyright liability as a distant signal under Section 111 of title 17, United States Code.

5. The Houston ADI has a total of 739,600 cabled households which represents 50% of all television households located in the Houston ADI. KTFH-TV currently is carried on three cable systems with a total of 14,000 subscribers which represents only 2% of the total number of cabled households in the Houston ADI.

6. I estimate that the lack of carriage on these systems has a negative effect on station revenues of \$1,325,000.00 annually. This negative effect on station revenue will persist until KTFH-TV is

applied on all gas systems which it is not at least a year

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OCTOBER TERM, 1992

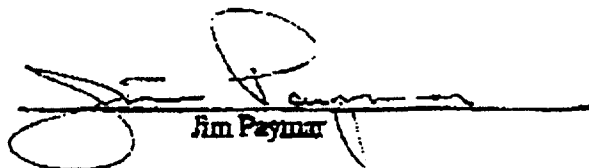
4. I understand that the appellants in this case have asked the court to issue an order under which the "must carry" requirements embodied in Section 4 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 102 Stat. ____, to be codified at 47 U.S.C. §614 ("the Act"), would not become effective with respect to cable systems which neither drop nor shift the channel position of any broadcast station pending the Court's decision on the constitutionality of the must carry requirement. The practical effect of such an order

Declaration of Jim Paymar

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 26, 1993

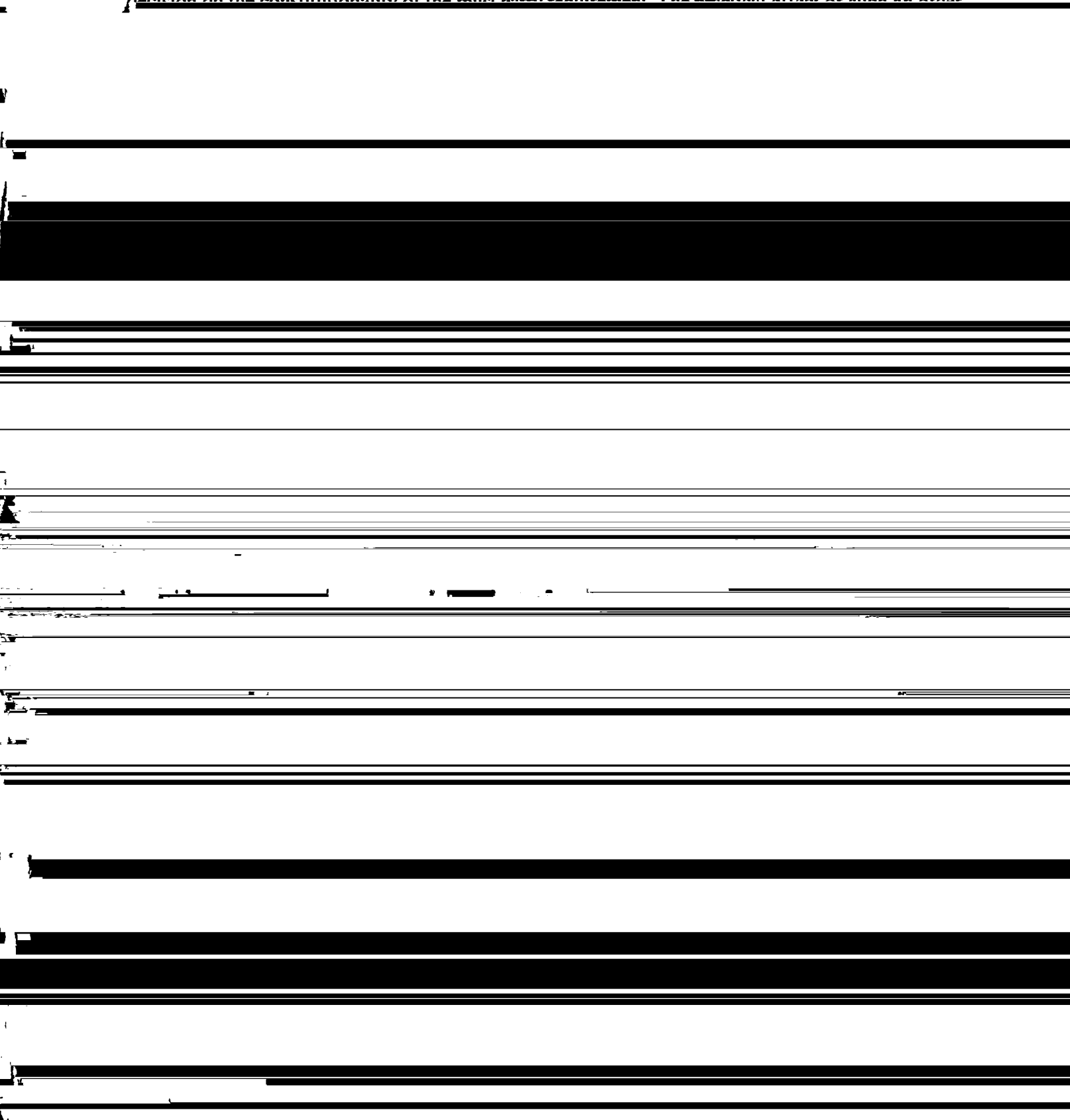

Jim Paymar

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Certificate of Service

I, Karen Koon, hereby certify that I have, this 10th day of May, 1993, caused to be served by hand the foregoing "Opposition of the National Association of Broadcasters and the Association of Independent Television Stations, Inc. to the Petition of the National Cable Television Association for a Stay Pending Reconsideration, or Alternatively Pending Review" to:

Daniel L. Brenner, Esquire
Michael S. Schooler, Esquire
Diane B. Burstein, Esquire
National Cable Television Association
1724 Massachusetts Avenue, N.W.
Washington, D.C. 20036



Karen Koon